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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,696	07/20/2001	Nobuyoshi Kakigi	35.C15584	8990

5514 7590 02/10/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

RAHIMI, IRAJ A

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/908,696

Applicant(s)

KAKIGI ET AL.

Examiner

(Iraj) Alan Rahimi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In papers filed on November 30, 2006 applicant amended claims 21, 22, 26, 27, 31, 32, 36 and 37. On January 3, 2006 applicant also filed for a Request for Continued Examination (RCE).

The claim language for claims 21, 26, 31 and 36 regarding “each attribute data having a plurality of attributes” seems inaccurate. Examiner’s understanding is that each image data should have plurality of attributes.

Response to Arguments

2. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed (US patent 6,426,801) in view of Sanbongi (US patent 6,661,529).

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Regarding claim 21, Reed discloses an image recording apparatus (printer 20), comprising:

an attachment unit 56, adapted to attach a detachable memory 58 to said image recording apparatus, the memory storing a plurality of image data and a plurality of attribute data corresponding to the plurality of image data, each attribute data having a plurality of attributes, each attribute including attribute information (Reed discloses in column 1, lines 52-60 that image data has plurality of attributes such as horizontal and vertical length as well as image number);

a designation unit adapted to designate one attribute from among the plurality of attributes (column 2, lines 8-16);

a recording unit, adapted to record the plurality of image data read from the memory attached by said attachment unit on a recording paper (column 2, lines 8-16).

However Reed does not disclose a determination unit, adapted to make determination such that a plurality of recording papers on which a number of image data with the same attribute information included in the attribute designated by said designation unit are recorded are output to the same output port.

Sanbongi discloses in column 5, lines 5-9 multiple image attributes associated with an image and further discloses in column 7, lines 46-55 & column 9, lines 31-55 ordering pictures from images based on an attribute such as time sequence in which images were taken.

Reed and Sanbongi are combinable because they are from the same field of endeavor that is image reproduction.

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At the time of the invention, it would have been obvious to a person ordinary skill in the art to order pictures based on a certain attribute of the picture.

The suggestion/motivation for doing so would have been to provide a method for printing images captured by a digital device which are simple to implement and which can operate independently of a computer system.

Therefore, it would have been obvious to combine Reed and Sanbongi to obtain the invention as specified in claim 21.

Regarding claim 22, Sanbongi discloses an apparatus according to claim 21, wherein the plurality of image data are obtained by a digital camera and the attribute information is added by the camera (column 3, lines 51-67 and column 5, lines 5-9).

Regarding claim 23, Sanbongi discloses an apparatus according to claim 21, wherein the attribute includes a title (column 5, lines 5-9).

Regarding claim 24, Sanbongi discloses an apparatus according to claim 21, wherein the attribute includes a photographic date (column 5, lines 5-9).

Regarding claim 25, Sanbongi discloses an apparatus according to claim 21, wherein the attribute includes a destination user (column 5, lines 5-9).

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Regarding claims 26, 31 and 36, arguments analogous to those presented for claim 21, are presented.

Regarding claims 27, 32 and 37, arguments analogous to those presented for claim 22, are presented.

Regarding claims 28, 33 and 38, arguments analogous to those presented for claim 23, are presented.

Regarding claims 29, 34 and 39, arguments analogous to those presented for claim 24, are presented.

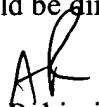
Regarding claims 30, 35 and 40, arguments analogous to those presented for claim 25, are presented.

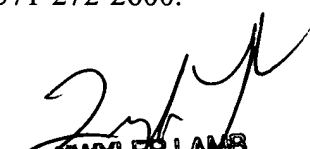
Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 571-272-7411. The examiner can normally be reached on Mon.-Fri. 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.


Alan Rahimi
February 4, 2006


TWYLER LAMB
PRIMARY EXAMINER